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Supreme Court of the United States

OCTOBER TERM, 1957

No. 91

NATIONAL ASSOCIATION FOR THE ADVANCE-
MENT OF COLORED PEOPLE, A CORPORATION,
PETITIONER,

vs.

STATE OF ALABAMA, EX REL. JOHN PATTERSON,
ATTORNEY GENERAL.

ON WRIT OF CERTIORARI TO THE SUPREME COURT
OF THE STATE OF ALABAMA

PETITION FOR CERTIORARI FILED MARCH 29, 1957
CERTIORARI GRANTED MAY 27, 1957

SUPREME COURT OF THE UNITED STATES

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[fol. 1]

**IN THE SUPREME COURT OF ALABAMA
THIRD DIVISION**

No.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, a corporation, Petitioner

IN RE: NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, Petitioner-Respondent

v.

STATE OF ALABAMA ON THE RELATION OF JOHN PATTERSON,
Attorney General of the State of Alabama, Respondent-
Complainant

PETITION FOR WRIT OF CERTIORARI TO THE CIRCUIT COURT OF
THE 15TH JUDICIAL CIRCUIT OF ALABAMA, MONTGOMERY
COUNTY, ALABAMA, IN EQUITY

To the Honorable Chief Justice and Associate Justices
of the Supreme Court of Alabama

Comes the petitioner-respondent and respectfully petitions this Honorable Court to review and determine the judgments and orders adjudging petitioner in contempt and fixing punishment against petitioner therefor in the sums of \$10,000 and \$100,000 rendered by the Circuit Court of the 15th Judicial Circuit of Alabama, Montgomery County, Alabama, in Equity, on July 25, 1956, and on July 31, 1956, in a cause styled No. 30468, State of Alabama on the relation of John Patterson, Attorney General of the State of Alabama, complainant against the National Association for the Advancement of Colored People, a corporation, respondent.

Petitioner avers that the state, on June 1, 1956, filed a complaint in the court below alleging: (1) That petitioner, a New York corporation, maintains its Southeast Regional office in Birmingham, Alabama; (2) that petitioner has employed agents to operate this office; (3) that local chapters of petitioner are organized in the State of Alabama;

(4) that membership dues and contributions for said chapters and petitioner are solicited; (5) that petitioner has [fol. 2] paid monies to Autherine Lucy and Polly Myers Hudson to aid them to enroll as students at the University of Alabama to test its policy of denying entrance to Negroes; (6) that petitioner has furnished legal counsel to represent Autherine Lucy in her proceedings against the University of Alabama; (7) that petitioner has supported and financed an illegal boycott to compel the Capitol Motor Lines of Montgomery, Alabama, to seat passengers without reference to race; (8) that petitioner's officers, agents and members have for years past and are presently engaged in organizing chapters in the State of Alabama, in collecting dues therefor, soliciting contributions and expending monies in advancing the aims of petitioner; (9) that petitioner has never filed with the Secretary of State a certified copy of its Articles of Incorporation and other information required by Title 10, Sections 192, 193 and 194 of the Code of Alabama, 1940; (10) that petitioner has been and continues to do business in the State of Alabama and in the County of Montgomery in violation of Article 12, Section 232, Constitution of Alabama, 1901, and Section 194, Title 10, Code of Alabama, 1940; (11) that petitioner is continuing to do business within the state without first having complied with the aforesaid constitutional and statutory provisions and is thereby causing irreparable injury to the property and civil rights of the citizens of Alabama for which criminal prosecution and civil action at law afford no adequate relief.

The state prayed for a temporary injunction enjoining and restraining petitioner, its agents and members from further conducting its business within the state and organizing chapters and maintaining offices within the state, it requested dissolution of all existing chapters of the organization and that upon final hearing the court issue a permanent injunction embodying the foregoing and oust petitioner from the state.

On June 1, 1956, the day this bill was filed without notice or opportunity for hearing, the court below issued a temporary restraining order and injunction. The aforesaid order and judgment is appended hereto as Exhibit No. I to this

petition and made a part thereof. It restrained petitioner, its agents, all parties in active concert with petitioner, and all persons having notice of the court's order from conducting any further business of any description or kind within the state; from further organizing chapters within the state; from maintaining offices within the state; from soliciting members, contributions or collecting memberships for petitioner or any local chapters or wholly controlled subsidiaries in the State of Alabama. The court [fol. 3] further enjoined petitioner—although the state's bill did not request it—from filing with the Department of Revenue and the Secretary of State of Alabama any document to qualify to do business within the state.

Petitioner avers that this order and judgment is null and void and beyond the jurisdiction of the court below in that the court seeks to exert authority not in keeping with the decisions of this Court and which invades petitioner's right under Article I, Section 8 and the Fourteenth Amendment to the Constitution of the United States.

On July 2, 1956, petitioner filed a motion to dissolve the temporary restraining order and injunction and demurrers to the bill. Hearing thereon was set for July 17, 1956.

On July 5, 1956, the state filed a motion to require petitioner to produce certain books, documents and papers, as set out below, alleging the examination thereof was essential to its preparation for trial:

1. Copies of all charters of branches or chapters of the National Association for the Advancement of Colored People in the State of Alabama.

2. All lists, documents, books, and papers showing the names, addresses and dues paid of all present members in the State of Alabama of the National Association for the Advancement of Colored People, Inc.

3. All lists, documents, books and papers showing the names, and addresses of all contributors in the State of Alabama who have contributed money, goods, services or anything of value, to the National Association for the Advancement of Colored People, Inc., within the last twelve months next preceding the date of filing the petition for injunction in this case.

4. All lists, documents, books, and papers showing the names, addresses and official position in respondent corporation of all persons in the State of Alabama authorized to solicit memberships in and contributions to the National Association for the Advancement of Colored People, Inc.

5. All files, letters, copies of letters, telegrams and other correspondence, dated or occurring within the last twelve months next preceding the date of filing the petition for injunction, pertaining to or between the National Association for the Advancement of Colored People, Inc., and persons, corporations, associations, groups, chapters and partnerships within the State of Alabama.

6. All deeds, bills of sale and any written evidence of ownership of real or personal property by the National Association for the Advancement of Colored People, Inc., in the State of Alabama.

7. All cancelled checks, bank statements, books, payrolls, and copies of leases and agreements, dated or occurring within the last twelve months next preceding the date of filing the petition for injunction, pertaining to transactions between the National Association for the Advancement of Colored People, Inc., and persons, chapters, groups, associations, corporations and partnerships in the State of Alabama.

8. All papers, books, letters, copies of letters, documents, agreements, correspondence and other memoranda pertaining to or between the National Association for the Advancement of Colored People, Inc., and Autherine Lucy, Autherine Lucy Foster and Polly Myers Hudson.

[fol. 4] 9. All papers, books, letters, copies of letters, documents, agreements, correspondence and other memoranda pertaining to or between the National Association for the Advancement of Colored People Legal Defense and Educational Fund and Artherine Lucy, Arthurine Lucy Foster and Polly Myers Hudson.

10. All papers, books, letters, copies of letters, documents, agreements, correspondence and other memoranda pertaining to or between the National Association for the Advancement of Colored People, Inc., and the Montgomery Improvement Association.

11. All lists, books and papers showing the names and addresses of all officers, agents, servants and employees in the State of Alabama of the National Association for the Advancement of Colored People, Inc.

12. All lists, books and papers showing the names and addresses of all officers, agents, servants and employees of the various chapters of the National Association for the Advancement of Colored People, Inc., in the State of Alabama.

13. All papers, books, files, documents, letters, copies of letters and correspondence, cancelled checks, bank statements, leases, contracts and agreements in the Southeastern Regional Office of the National Association for the Advancement of Colored People, Inc., in Birmingham, Alabama, or in possession of any officer, agent, servant or employee of said corporation in the State of Alabama.

14. All papers, books, letters, copies of letters, files, documents, agreements, correspondence and other memoranda pertaining to or between the National Association for the Advancement of Colored People, Inc., and Aurelia S. Browder, Susie McDonald, Claudette Colvin, Q. P. Colvin, Mary Louise Smith and Frank Smith, or their attorneys, Fred D. Gray and Charles D. Langford.

15. All papers, books, letters, copies of letters, files, documents, agreements, correspondence, cancelled checks, bank statements, financial statements and all other memoranda, dated or occurring within the last twelve months next preceding the date of the filing of petition for injunction in this case, concerning all transactions and activities within the State of Alabama of the National Association for the Advancement of Colored People, Inc.

This motion was set down for hearing on July 9, 1956. On July 11, 1956, after hearing argument by the state and petitioner in which the petitioner raised objections to the motion on grounds supported by basic principles of equity jurisprudence, by decisions of this Court and by the Constitution of the United States, the court overruled the objections and issued an interlocutory order and decree requiring the petitioner to produce certain of the documents as requested in the motion. The order of the court is appended hereto as Exhibit II and made a part of this petition.

Petitioner avers that the aforesaid order is null and void and outside the jurisdiction of the court below under basic principles of equity jurisprudence, the decisions of this Court and the Constitution and laws of the United States, namely, the Fourteenth Amendment, Article I, Section 8 of the Constitution of the United States and Title 42, United States Code, Section 1981.

Petitioner was ordered to produce the documents as indicated [fol. 5] cated in the order as of July 16, 1956. Thereafter, the court extended the time to produce until July 24, 1956; it simultaneously postponed until July 25, 1956, hearing on the demurrers and motion to dissolve.

On July 23, petitioner filed its answer, admitting: (1) That it was a New York corporation; (2) that it maintained its Southeast Regional Office in Birmingham; (3) that it hired and employed agents to operate this office; but (4) denied that it had organized local chapters in the state and that agents of the corporation solicited for said local chapters and the parent corporation; denied (5) that it had employed or paid money to Autherine Lucy and Polly Myers Hudson to encourage or aid them in enrolling in the University of Alabama; admitted (6) furnishing legal counsel to assist Autherine Lucy in prosecuting her suit against the University of Alabama; admitted (7) that it had given moral and financial support to Negro residents of Montgomery in connection with their refusal to use the public transportation system of Montgomery and had furnished legal counsel to assist Rev. M. L. King and other Negroes indicted in connection with that matter, but denied all other allegations and inferences contained in that alle-

gation and bill of complaint; and denied (8) that its officers, agents or employees have engaged in organizing chapters for the Corporation in Alabama and Montgomery County, collecting dues, soliciting memberships, loaning or giving personal property to aid present aims of the Corporation; admitted (9) that it had never filed with the Secretary of State Articles of Incorporation or designated a place of business or authorized agents within the State; but denied (10) that it was required by Sections 192, 193 and 194 of Title 10, Code of Alabama to do so. Petitioner denied that it has violated Article 12, Section 232, Constitution of Alabama, 1901 and Section 192, 193 and 194, Title 10, Code of Alabama, 1940; further petitioner denied (11) that its acts are causing irreparable injury to the property and civil rights of the residents and citizens of the State of Alabama.

In addition to the various defenses to the Bill of Complaint, petitioner, while asserting that Title 10, Sections 192, 193 and 194 of the Code of Alabama, 1940, was not applicable, had procured the necessary forms from the Office of the Secretary of State, Montgomery, Alabama, and had filled in the forms as required by law and offered to file the same. Said forms were attached to its answer and [fol. 6] petitioner stated that it would file these forms if the court would dissolve its orders barring petitioner from registering and would permit petitioner to file the forms attached to its answer.

With its answer petitioner filed a motion to set aside the order to produce. Hearing on this motion was set down for July 25, 1956. On that date, testimony in support of the motion to set aside was introduced. The Attorney General testified that if petitioner would agree that it was doing business in the State of Alabama, the material sought by its motion would not be needed. The court overruled the motion to set aside and ordered petitioner to produce the documents aforesaid.

Petitioner avers that the court order overruling its motion to set aside the order to produce is null and void and beyond the jurisdiction of that court in that the court below acted arbitrarily and contrary to principles enunciated in decisions of this Court and in violation of petitioner's right to due process and equal protection of the laws as secured

by the Fourteenth Amendment to the Constitution of the United States.

Petitioner, advised by counsel that the order was arbitrary and unreasonable and not in accord with the Constitution and laws of the State of Alabama and Constitution and laws of the United States, informed the court that it was unable to comply with the court's order. The court, thereupon, found and adjudged petitioner in willful contempt for failure to produce the documents in accordance with the court's order and assessed a fine of \$10,000 against petitioner as punishment for this contempt:

This suit seeks to enjoin among other things, the respondent, from further conducting its business within the State of Alabama, seeks the dissolution of all its chapters in the State, and asks that on final hearing an order of ouster be entered against the respondent. Due and proper service of the bill has been had upon the respondent, and through its attorneys it has entered an unqualified appearance in the cause. A temporary restraining order was issued upon the filing of the bill. Later the State filed a motion to require respondent to produce certain books, documents and papers. This was duly set down for hearing before the court. At that time counsel for respondent objected to the motion to produce and the court ruled, as shown by its order on file, that certain books, papers and documents mentioned in the motion to produce should be brought into court, and a time was fixed for the production of the evidence requested by the State. Later the respondent moved the court to set aside the order to produce, assigning in substance that it had filed a full and complete answer, that the information called for by the State was already known to the Attorney General and that the books and papers were not now material or necessary to the trial and determination of the issue raised in the suit.

The motion to set aside the order to produce has been argued at length before the court by the Attorney General and by counsel for the respondent, and the respondent has offered oral testimony on the motion to

set aside. Several hours have been consumed in hearing [fol. 7] the matter in open court. The grounds of the motion to vacate are not well taken.

Upon the denial by the court of the motion to set aside the order to produce, the court offered respondent additional time to produce the documents heretofore ordered produced. Counsel for respondent stated in open court that additional time would not be required, that respondent would not produce the books, documents and papers as ordered by the court and that it elected to stand on its decision not to bring the papers into court for the inspection of the State.

The action of the respondent without question puts it in contempt of court, and its counsel practically concede this. So the respondent is in willful contempt of the court, and the only matter before the court at this time is a formal order adjudging respondent in contempt and in taking judicial sanctions against it for its contempt.

The court adjudges and decrees that the respondent is in willful contempt in failing to obey the order of the court to produce for inspection the documents referred to in the order to produce. This brings up now for the consideration of the court what punishment should be decreed against the respondent. Before fixing that punishment these general principles of equity may be stated: The purpose of punishing for a contempt is to vindicate the dignity and authority of the court from the disrespect shown to its orders, to aid in compelling the performance of the court's order, performance which is confessedly in the power of the respondent at this time, and which performance respondent's counsel state will not be given. In the present contempt proceeding the court must consider the character and magnitude of the harm threatened by respondent's continued contumacy and the probable effectiveness of the sanction invoked.

Under the law, there is no way by which a corporation can be jailed or imprisoned, so a fine must be imposed, and in the imposition of this fine the presiding judge may properly consider the extent of the willful

and deliberate defiance of the court's order, the seriousness of the consequences of the contumacious behavior, the necessity of effectively terminating respondent's defiance as required by the public interest, and the importance of deterring such acts in the future. The extent of the punishment is discretionary with the court.

The present willful and deliberate, and considered, defiance of the court's order is not to be lightly taken. It is not such an act which admits of any but severe punishment. The court can not permit its orders to be flouted. It cannot permit a party, however wealthy and influential, to take the law in his own hands, set himself up above the law, and contumaciously decline to obey the orders of a duly constituted court made under the law of the land and in the exercise of an admitted and ancient jurisdiction. If this were allowed there would be no government of law, only the government in a particular case of the litigant who elected to defy the court for his own private and selfish ends. The respondent in this case has elected to stand on its brazen defiance of the order of a court with full power and authority to issue the order against it. Respondent having made its election to defy the court must abide the consequences of its stand. Upon a full consideration of the record in this case, it is

Ordered, adjudged and decreed by the court that National Association for the Advancement of Colored People is in contempt of court for its willful and deliberate refusal to produce the documents described in the former order of the court in this cause.

Ordered, adjudged and decreed further by the court that as punishment for its said contempt the said National Association for the Advancement of Colored People be and it is hereby fined the sum of Ten Thousand Dollars, and judgment is hereby rendered against the said respondent and in favor of the State of Alabama for said sum of Ten Thousand Dollars, for which let execution issue.

Ordered, adjudged and decreed further that in the event the respondent fully complies with the court's

order to produce within five days from this date, then it may move to have this fine reduced or set aside. However, in the event the respondent fails to comply fully with the order to produce within five days from this date, then it is ordered, adjudged and decreed [fol. 8] that the fine for this contempt be \$100,000.00.

Let the costs in this matter, to be taxed by the Register, be paid by the said National Association for the Advancement of Colored People.

Done in open court in the presence of the counsel for the parties to this suit on this July 25, 1956.

/s/ Walter B. Jones
Circuit Judge Presiding

Petitioner avers that this order and judgment is null and void and beyond the jurisdiction of the court in that it is clear on the face of the order that the court has exceeded the limits set by Title 13, Section 143 of the Alabama Code of 1940.

Petitioner further avers that the fine fixed is so arbitrary and excessive, without any reasonable relationship to the act committed, or to petitioner's ability to pay it as to render the judgment null and void and beyond the jurisdiction of the court below in that it violates petitioner's rights to due process and equal protection of the laws secured by the Fourteenth Amendment to the Constitution of the United States.

On July 30, 1956, petitioner filed a motion to set aside and/or stay execution of said order pending review, and tendered compliance with the court's order to produce as set forth in the Affidavit of its Executive Secretary, Roy Wilkins.

As to documents requested in paragraph 1 in the state's motion as listed supra and ordered produced by the court, petitioner tendered a copy of the standard form of charter issued to 58 branches in the State of Alabama. Petitioner alleged that it was unable to produce a copy of each such charter since no copies are kept by it, but asserted that each charter issued Branches in the state conform to the standard form which petitioner tendered.

As to documents requested in paragraph 4 of the state's motion and ordered produced by the court below, petitioner asserted that it does not authorize any person or persons as such to solicit memberships or to secure contributions for it; that Mrs. Ruby Hurley and W. C. Patton are the only persons impliedly authorized by virtue of their employment to solicit memberships and/or contributions. Persons soliciting memberships are volunteers and petitioner prescribes no restrictions in this regard.

As to documents requested in paragraph 5 of the state's motion and ordered produced by the court below, petitioner [fol. 9] stated that its files are kept under subject matter headings and that to comply with this portion of the court's order would require it to search all of its files in order to secure the information requested; that it receives correspondence at the rate of 50,000 letters per year and that files are maintained for a period of ten years. Petitioner tendered, however, all memoranda to branches during the twelve-month period preceding June 1, 1956, which would include memoranda to its branches in the State of Alabama.

As to documents listed in paragraph 6 of the state's motion and ordered produced by the court, petitioner asserted that it owns no real property; that all bills of sale for purchase of personal property were in the possession of Mrs. Hurley, who is on vacation, and that petitioner has no key to this office; that the only personal property petitioner owns in the state consists of desks, filing cabinets, chairs, typewriters, mimeograph machine and office supplies estimated to be approximately valued at \$400.00 and that this personal property is in its Southeast Regional office in Birmingham. The only bills of sale in its possession were two which petitioner tendered.

As to documents listed in paragraph 7 of the state's motion and ordered produced by the court, petitioner submitted all the cancelled checks and payroll checks covering transactions in Alabama and a copy of the lease of the office used by petitioner in Birmingham, and averred that there are no other agreements. Petitioner asserted it does not maintain a bank account in the State of Alabama. Petitioner's bank statements are statements referring to its general funds from all sources, and petitioner tendered

a statement showing all income and expenditures in the State of Alabama prepared by its accountant.

As to documents listed in paragraph 8 of the state's motion and ordered produced, petitioner submitted all papers, books, letters, etc., pertaining to or between it and Autherine Lucy, Arthurine Lucy Foster and Polly Myers Hudson received from and sent to the State of Alabama.

As to documents listed in paragraph 14 of the state's motion, petitioner asserted that it had no papers of any kind in this category.

With respect to paragraphs number 2 and 11 of the state's motion as granted in the court's order which required petitioner to submit a list of the names and addresses of its [fol. 10] members and names and addresses of its officers, employees and agents, etc., in the State of Alabama, petitioner asserted through affidavit of its Executive Secretary that it believes in good faith that to make available to the Attorney General the names and addresses of its officers and members would subject these persons to private economic reprisals, loss of public and private employment, to harassment by persons opposed to integration in public schools, to threats of use of force, intimidation and the use of actual force. In support of this, petitioner tendered as exhibits to the affidavit of its Executive Secretary, the affidavits of several of its members residing in Selma, Alabama, whose names had been published for signing a petition requesting the Board of Education to consider desegregation of the public schools in Selma, Alabama, in accordance with the decisions of the United States Supreme Court and, as a result, had been discharged from their employment. Petitioner attached to this affidavit evidence that local laws applicable to Macon and Marengo Counties had been enacted authorizing the Board of Education of these counties to discharge school teachers who belong to organizations advocating racial integration; and newspaper clippings which show that groups operating in the State are organized for the express purpose of opposing the policy and program of petitioner. Despite this showing, the court overruled petitioner's motion to set aside or modify its adjudication of contempt and refused to stay execution of its judgment pending review by this Court.

The decree of the court denying and overruling petitioner's motion to set aside, modify or stay its order of July 25, 1956, is attached hereto as Exhibit III and made a part of this petition.

Petitioner avers that the decree and judgment of the court below denying and overruling its motion to set aside, modify or stay its order of July 25, 1956, is null and void and beyond the jurisdiction of the court below in that it denies to petitioner equal protection and due process of law secured by the Fourteenth Amendment and rights secured under Article I, Section 8 of the Constitution of the United States.

On July 30, petitioner filed a motion to stay execution of the judgment below in this Court pending review here. After hearing on this application on July 31, this motion was denied on the ground that no petition for writ of certiorari was before the court. While this Court was considering petitioner's application for a stay, the court below issued a new order and judgment, adjudging petitioner in [fol. 11] further contempt and fining and punishing petitioner for that contempt in the sum of \$100,000.00:

This Court, having by decree, dated July 25, 1956, ordered, adjudged and decreed respondent, National Association for the Advancement of Colored People, in contempt of Court for its willful and deliberate refusal to produce the documents described in the former order of the Court in this cause, dated July 11, 1956, and having further ordered, adjudged and decreed that as punishment for said contempt the said National Association for the Advancement of Colored People, be fined the sum of \$10,000.00, and judgment rendered against the said respondent in favor of the State of Alabama for the sum of \$10,000.00, and having further ordered, adjudged and decreed that in the event respondent fully complied with the Court's order to produce within five days from July 25, 1956, that it might move to have its fine reduced or set aside, but in the event the respondent failed to comply fully with the order to produce within five days from July 25, 1956, it was ordered, adjudged and decreed that the fine for this contempt be \$100,000.00.

And the respondent, National Association for the Advancement of Colored People, having failed to comply with this order and not having produced the documents described in the former order of the Court in this cause by midnight, July 30, 1956, It Is;

Ordered, Adjudged and Decreed by the Court that the National Association for the Advancement of Colored People, is in contempt of this Court for its willful and deliberate refusal to produce the documents described in the former order of the Court in this cause by midnight, July 30, 1956.

It Is Further Ordered, Adjudged and Decreed by the Court that as punishment for its said contempt the said National Association for the Advancement of Colored People, be and it is hereby fined the sum of \$100,000.00, and judgment is hereby rendered against the said respondent and in favor of the State of Alabama for said sum of \$100,000.00, for which let execution issue.

That the costs in this matter to be taxed by the Register be paid by the said National Association for the Advancement of Colored People.

Done in Montgomery, Alabama, on this the 31st day of July, 1956.

/s/ Walter B. Jones
Circuit Judge, Presiding

Petitioner avers that this order and judgment is null and void and beyond the jurisdiction of the court in that it is clear on the face of the order and judgment that the court has exceeded the limits set by Title 13, Section 143 of the Alabama Code of 1940.

Petitioner further avers that the fine fixed is so arbitrary and excessive, without any reasonable relationship to the act committed, or to petitioner's ability to pay it as to render the judgment null and void and beyond the jurisdiction of the court below in that it violates petitioner's rights to due process and equal protection of the laws secured by the Fourteenth Amendment to the Constitution of the United States.

Petitioner further avers that it has been denied access to Alabama courts resulting from the action of the court [fol. 12] below to secure a hearing on the merits of this cause and to seek a vindication of its rights to continue its operations in the state and that such denial of access constitutes an infringement of its rights to procedural due process secured by the Fourteenth Amendment to the Constitution of the United States.

Petitioner avers that it has done everything within its power, consistent with its rights and the rights of its members, to comply with the order of the court below to produce certain documents and papers for pre-trial discovery, and that it has failed and refused to comply further with the court's order solely because to do so would constitute a waiver of basic constitutional rights. Petitioner has no other adequate remedy to seek a review of the orders and judgment of the court below except by this petition. [fol. 13] Petitioner respectfully shiows unto this Honorable Court as follows:

1. That the Circuit Court erred in entering its order of July 11, 1956, requiring petitioner to produce certain documents and papers set out therein.
2. That the Circuit Court erred in overruling petitioner's motion to set aside its order to produce.
3. That the Circuit Court erred in adjudging petitioner in contempt and assessing a \$10,000 fine against it as punishment therefor.
4. That the Circuit Court erred in punishing petitioner \$10,000 for contempt in excess of its statutory authority under Title 13, Section 143 of the Alabama Code of 1940.
5. That the Circuit Court erred in overruling petitioner's motion to set aside and/or modify its order and judgment adjudging petitioner in contempt and/or stay execution of its judgment pending review by this Court.
6. That the Circuit Court erred in adjudging petitioner in contempt and in assessing a \$10,000 fine against it as punishment therefor.

7. That the Circuit Court erred in punishing and fining petitioner \$100,000 for contempt in excess of its statutory authority under Title 13, Section 143 of the Alabama Code of 1940.

8. That the Circuit Court erred in granting the temporary restraining order.

9. That the Circuit Court erred in failing to dissolve its injunction and in refusing to permit petitioner to register with the Secretary of State after it had tendered compliance with its answer.

10. That all of the errors committed by the Circuit Court and set forth above are in violation of petitioner's right and the rights of its members to due process of law and equal protection of the laws secured under the Fourteenth Amendment to the Constitution of the United States, and violate petitioner's rights under the commerce clause of the federal Constitution.

Wherefore, your petitioner most respectfully prays that a writ of certiorari be issued out of and under the seal of this Court directed to the Circuit Court, Montgomery County, commanding and requiring said Court to certify and send to this Court on a day certain to be designated by this Court, a full and complete transcript of the record [fol: 14] and all proceedings of said Circuit Court, in the cause numbered and entitled aforesaid, to the end that this cause may be reviewed and determined by this Court, and that this Court thereupon proceed to review and correct the errors complained of and to reverse the judgment of the Circuit Court or render such judgment as said Court should have rendered.

Petitioner further prays that it be permitted to proceed in this matter without bond or with cost bond only in that the judgment entered below is not a money judgment in the real sense but a penal judgment; that the state needs no indemnification, that petitioner is suffering irreparable harm in that its operations and activities have been disrupted by virtue of the court's injunction; that petitioner has no assets to enable it to put up bond in excess of minimum herein requested and that to require such bond

would in effect deny petitioner its right to a hearing in this Court in violation of its rights to due process of law.

And petitioner prays for such other, further and additional relief in the premises as to this Court may seem appropriate, and to which he may be entitled and your petitioner will ever pray, etc.

Respectfully submitted,

Fred D. Gray, 113 Monroe Street, Montgomery,
Alabama.

Robert L. Carter, 107 West 43rd Street, New York,
New York.

Arthur D. Shores, 1630 Fourth Avenue, North,
Birmingham, Alabama.

Attorneys for Petitioner.

[fol. 15] DULY SWORN TO BY FRED D. GRAY (Jurat omitted in printing).

We hereby certify that we have served personally a copy of this petition upon the Honorable John Patterson, Attorney General of the State of Alabama, at Montgomery, Alabama.

This the 20th day of August, 1956.

Fred D. Gray, Attorney for Petitioner.

[fol. 16] EXHIBIT I TO PETITION

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
OF ALABAMA, MONTGOMERY COUNTY, ALABAMA
In Equity

STATE OF ALABAMA ON THE RELATION OF JOHN PATTERSON,
Attorney General of the State of Alabama, Complainant

vs.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, a corporation, Respondent

DECREE FOR TEMPORARY RESTRAINING ORDER AND INJUNCTION

This cause, being submitted to the Court upon application of the complainant duly verified as required by law for a temporary restraining order and injunction as prayed for in the original complaint filed in this cause and upon consideration thereof and of the evidence offered in support thereof in the form of sworn petition and exhibits attached thereto, and the State not having elected to give bond, the Court is of the opinion same should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the respondent, its agents, servants, employees, attorneys, and all officers thereof and all persons in active concert or participation with respondent, and all persons having notice of this order be, and they hereby are, restrained and enjoined until further orders of the Court from:

1. Conducting any further business of any description or kind or respondent within the State of Alabama; organizing further chapters of respondent within the State of Alabama; maintaining any offices of respondent within the State of Alabama.
2. Soliciting membership in respondent corporation or any local chapters or subdivisions or wholly controlled subsidiaries thereof within the State of Alabama.
3. Soliciting contributions for respondent or local chapters or subdivisions or wholly controlled subsidiaries thereof within the State of Alabama.
- [fol. 17] 4. Collecting membership dues or contributions for respondent or local chapters or subdivisions or wholly controlled subsidiaries thereof within the State of Alabama.
5. Filing with the Department of Revenue and the Secretary of State of the State of Alabama any application, paper or document for the purpose of qualifying to do business within the State of Alabama.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Sheriff of Montgomery County, Alabama, or any other lawful officer of the State of Alabama, serve a copy of the

petition and this order upon the respondent by service thereof upon any officer, agent or servant of respondent found within the State of Alabama.

DONE AT MONTGOMERY, ALABAMA, this the 1 day of June, 1956.

s/ Walter B. Jones
Circuit Judge

[fol. 18]

EXHIBIT II TO PETITION

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA
In Equity No. 30468

STATE OF ALABAMA ON THE RELATION OF JOHN PATTERSON,
Attorney General of the State of Alabama, Complainant

VS.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, a corporation, Respondent

INTERLOCUTORY DECREE ON MOTION OF THE STATE TO REQUIRE
RESPONDENT TO PRODUCE CERTAIN BOOKS, PAPERS AND
DOCUMENTS

The present suit was initiated by the State of Alabama filing an original bill having for its purpose among other things the issuance of a temporary injunction restraining the Respondent from further conducting its business within the State of Alabama; and praying on final hearing that the Respondent be permanently enjoined from conducting any business within the State of Alabama and that the Respondent be enjoined from organizing or controlling any chapters and from exercising any of its corporate functions within the State of Alabama.

In accordance with the prayer of the bill, a temporary restraining order was issued on June 1st, 1956, and on July 5th the Complainant filed its motion to produce and same was duly set for hearing on July 9th, 1956. Then on

June 26, 1956, the Respondent filed its motion to dissolve the temporary injunction and also demurrers to the bill, which were duly set for hearing on July 17, 1956; but the matter is now before the Court and is submitted on the motion to produce filed by the State. A hearing has been had on this motion to produce at which time the same was argued to the Court by the Attorney General and Counsel for the State, and by Counsel for the Respondent.

[fol. 19] In support of the State's motion to produce, the Attorney General offered the sworn original bill, the sworn motion to produce, and the answer of the Respondent in its motion to dissolve the temporary restraining order.

It is the contention of the Respondent that the motion to produce is premature, that the motion should not be ruled upon until the demurrer to the bill has been passed upon, and the Attorney for the Respondent makes the contention that the motion to produce is in the nature of discovery by the State in aid of a penalty or forfeiture against the Respondent, and Respondent argues that a Court of Equity will not grant discovery in aid of a penalty or forfeiture.

The State, on the other hand, contends that its bill is one for discovery and relief in aid of a public purpose, and that under a motion to produce the Respondent may be compelled to present any papers, books, or documents relating to matters within the exclusive knowledge of the Respondent. The State also insists that, aside from any statute, a Court of Equity has inherent power to compel the production of original documents for evidential purposes. This is settled law in Alabama, and this right, as our Supreme Court has frequently said, is a right given under the inherent power of a Court of Equity to compel the production of books and documents when it is shown that such production is indispensable to the doing of justice as auxiliary to any proper relief.

The Court is of opinion that the points urged by the Respondent are not well taken, and that, to the extent hereinafter indicated the Respondent should produce on or before 10:00 a.m., Monday, July 16, 1956, in the office of the Register of the Court, for the inspection of the State of Alabama, the records hereinafter named. It is, therefore,

[fol. 20] ORDERED, ADJUDGED, and DECREED by the Court that Respondent on or before the above-named date and at the above-named place, do produce all of the books, papers or documents described in paragraphs 1, 2, 4, 5, 6, 7, 8, 11 and 14 of the Motion to Produce.

All other questions reserved.

Done at Montgomery, Alabama, this July 11, 1956.

(Signed) Walter B. Jones
Circuit Judge

[fol. 21] : EXHIBIT III TO PETITION

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA
In Equity No. 30468

STATE OF ALABAMA ON THE RELATION OF JOHN PATTERSON,
Attorney General of the State of Alabama, Complainant

VS.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, a corporation, Respondent

DECREE DENYING PETITION TO STAY ORDER OF
JULY 25, 1956

This matter now comes on to be again heard upon the Petition filed this day in open court requesting the Court to set aside, modify, or stay its order of July 25, 1956, wherein Respondent was decreed to be in contempt of court. There are now present in court the attorneys for both the Complainant and the Respondent and the said motion to stay or set aside the Court's order of July 25, 1956, in this court has been argued to the Court by Counsel for the respective parties. The Court took the matter under consideration and is now of opinion that the said motion is not well taken. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that the motion of Respondent filed herein this day to set aside,

modify, or stay the execution of said order of July 25, 1936, be, and the motion is hereby denied and overruled.

Done this July 30, 1956.

s/ Walter B. Jones
Circuit Judge Presiding

[fol. 21½] IN THE SUPREME COURT OF ALABAMA
SUBMISSION OF CAUSE—August 20, 1956

Come the parties by Attorneys, and submit this cause on briefs for decision.

[fol. 22] IN THE SUPREME COURT OF ALABAMA
October Term 1956-57

3 Div. 779

EX PARTE NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, a Corporation

IN RE: THE STATE OF ALABAMA EX REL. JOHN PATTERSON,
as Attorney General of the State of Alabama

v.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, a Corporation

PETITION FOR CERTIORARI TO MONTGOMERY CIRCUIT COURT
IN EQUITY

OPINION—December 6, 1956

Per Curiam.

The Circuit Court ordered the petitioner to bring certain books, documents and papers into court on a certain date for inspection by the State of Alabama in a cause filed by the Attorney General on behalf of the State against the petitioner. On the date set to produce, the court granted

the petitioner eight additional days within which to comply with its order.

Thereafter the court offered the petitioner additional time to produce the documents. In reply to the court's offer to grant additional time, counsel for petitioner stated in open court that additional time would not be required, that the petitioner would not produce the books, documents, and papers as ordered by the court and that it elected to [fol. 23] stand on its decision not to bring the papers into court for inspection by the State.

As a result of petitioner's brazen defiance of the order of the court, the petitioner was adjudged in contempt of court and fined \$10,000.00. The decree provided that in the event the petitioner failed to comply fully with the order to produce within five days from that date that the fine for contempt would be raised to \$100,000.00.

On the last day that petitioner had to comply with the court's order or suffer the fine to be raised for refusing to comply, the petitioner offered to bring some of the documents into court, but refused to fully comply with the order to produce. This offer of partial compliance by the petitioner was not accepted by the court. Thereafter the court decreed that the fine be raised as indicated above.

This petition for writ of certiorari presents the single question, viz: The legality vel non of the order of contempt.

The ultimate aim and purpose of the litigation is to determine the right of the state to enjoin petitioners from doing business in Alabama. That question, however, is not before us in this proceeding.

On the petition for certiorari the sole and only reviewable order or decree is that which adjudges the petitioner to be in contempt. Certiorari cannot be made a substitute for an appeal or other method of review. Certiorari lies to review an order or judgment of contempt for the reason that there is no other method of review in such a case.—*Ex parte Dickens*, 162 Ala. 272, 50 So. 218. Review on certiorari is limited to those questions of law which go to the validity of the order or judgment of contempt, among which are the jurisdiction of the court, its authority to make the decree or order, violation of which resulted in the judg-

ment of contempt. It is only where the court lacked jurisdiction of the proceeding, or where on the face of it the order disobeyed was void, or where procedural requirements with respect to citation for contempt and the like [fol. 24] were not observed, or where the fact of contempt is not sustained, that the order or judgment will be quashed.

It is well to remember that "a proceeding for contempt is not a part of the main case, before the court, but is collateral to it, a proceeding in itself." *Ex parte Dickens, supra*. In the process of the trial in the main case there are ample remedies for review. Appeal lies from interlocutory decrees, such as those on demurrer to the bill, orders granting, or refusing temporary injunctions, orders sustaining or denying motions to dissolve or discharge.—Tit. 7, §§ 754, 1057, Code of 1940.

An order requiring defendant to produce evidence in a pending cause may be reviewed on petition for mandamus.—*Ex Parte Hart*, 240 Ala. 642, 200 So. 783. Hence, if petitioner felt itself aggrieved by the order requiring it to produce certain evidence, it should have sought to have the order reviewed by mandamus. Where a party to a cause elects not to avail of such remedies to test the validity of an order requiring him to do or refrain from doing a certain act and simply ignores or openly declines to obey the order of the court, he necessarily assumes the consequences of his defiance, and is remitted to the lone hope of having the reviewing court find and declare the order of contempt void on its face. That is the status of petitioner here.

Here we do not have before us a decree on the equity of the bill, or a final decree granting relief to complainant, or, in fact, the decree granting a temporary injunction. All that we have presented to us is the order adjudging the petitioner to be in contempt, and as we will show that order is well sustained.

So, were the sanctions imposed upon petitioner for its willful contempt committed in the presence of the court within the court's lawful authority? We will first inquire whether the contempt in the instant case is in its nature civil or criminal.

We approved the following definition of a civil contempt in *Ex parte Dickens, supra*.

"A 'civil contempt' consists in failing to do something ordered to be done by a court in a civil action, for [fol. 25] the benefit of the opposing party therein." 162 Ala. 276.

The distinction between civil and criminal contempts is thus stated in 12 Am. Jur., Contempt, § 6, p. 392:

"Criminal contempt proceedings are those brought to preserve the power and vindicate the dignity of the court and to punish for disobedience of its orders. Civil contempt proceedings are those instituted to preserve and enforce the rights of private parties to suits and to compel obedience to orders and decrees made for the benefit of such parties. The former are criminal and punitive in their nature, and the government, the courts, and the people are interested in their prosecution. The latter are civil, remedial, and coercive in their nature, and the parties chiefly interested in their conduct and prosecution are those individuals for the enforcement of whose private rights and remedies the suits were instituted."

Criminal and civil contempts are defined in 17 C.J.S., Contempt, §§ 5 and 6, pp. 7, 8, to be as follows:

"A criminal contempt is conduct that is directed against the dignity and authority of the court, or a judge acting judicially: it is an act obstructing the administration of justice which tends to bring the court into disrepute or disrespect.

"Civil contempt consists in failing to do something ordered to be done by a court in a civil action for the benefit of the opposing party therein, and is, therefore, an offense against the party in whose behalf the violated order is made. If, however, the contempt consists in doing a forbidden act, injurious to the opposite party, the contempt may be considered criminal."

We indicated our approval of both of the above quotations in *Ex parte King*, 263 Ala. 487, 491, 83 So. 2d 241, 245.

We held the contempt to be criminal in the *King* case at page 490 because it was " . . . punishment for what has been done, and it committed petitioner to jail for a definite period of time." We further stated at page 491, "It seems to us that the penalty is for past disobedience rather than to compel obedience."—*Ex parte King, supra*.

[fol. 26] We also held the contempt to be criminal in *Ex parte Hill*, 229 Ala. 501, 158 So. 531, for the same reasons.

The petitioner insists that its contempt was criminal because the trial court used the word punishment in the decree. The Supreme Court in *United States v. United Mine Workers of America*, 330 U.S. 258, 297, n. 64, 67 S. Ct. 677, 91 L. Ed. 884, speaking of the use of the word punishment as indicating the type of contempt said: " 'punishment' has been said to be the magic word indicating a proceeding in criminal, rather than civil contempt. . . . But 'punishment' as used in contempt cases is ambiguous. 'It is not the fact of punishment but rather its character and purpose. . . . '—*Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 441 (1941)." There were two fines in the *United Mine Workers of America* case. The fine assessed for past contumacy was held to be for criminal contempt; and the fine to coerce the union into future compliance with the court's order was held to be for civil contempt.

In the light of these principles it is clear to us that the fines in the instant case were for civil contempt. The decree adjudging the \$10,000.00 fine said:

"Ordered, adjudged and decreed further that in the event the respondent fully complies with the court's order to produce within five days from this date, then *it may move to have this fine reduced or set aside*. However, in the event the respondent fails to comply fully with the order to produce within five days from this date, then it is ordered, adjudged and decreed that the fine for this contempt be \$100,000.00." (*Emph. sup.*)

The \$10,000.00 fine was coercive because it gave the petitioner a right to have the fine set aside after full compliance with the order to produce. The \$100,000.00 fine

was coercive because the petitioner had five days within which to comply with the court's order or to be fined said amount. Neither fine apparently was severe enough or the petitioner would have produced the documents within [fol. 27] the time allowed instead of offering partial compliance with the court's order on the last day of grace.

The time given the petitioner in the instant case prior to assessing the larger fine was the same time given the union by the Supreme Court of the United States in modifying the civil contempt fine in the *United Mine Workers of America* case, *supra*. We quote from page 305:

" * * * to pay a fine of \$700,000, and further to pay an additional fine of \$2,800,000 unless the defendant union, *within five days* after the issuance of the mandate herein, shows that it has fully complied * * *"
(Emph. sup.)

Our statutes limit punishment for contempt by the circuit court to five days in jail and a fine of fifty dollars.—Title 13, §§ 9 and 143, Code of 1940. But our cases hold that the statutory limitations apply to criminal contempt and not to civil contempt.—*Ex parte King, supra*; *Ex parte Hill, supra*; *Ex parte Dickens*, 162 Ala. 272, 50 So. 218.

The amount of the fine in the instant case, not being limited by statute, is within the sound discretion of the court and in the absence of an abuse thereof will not be disturbed.—*MacInnis v. United States*, C.A. Cal. 191 F. 2d 157, 342 U.S. 953, 96 L. Ed. 708 cert. denied 72 S. Ct. 628; *United States v. Landes*, C.C.A. N.Y., 97 F. 2d 378; *Ex parte Hill, supra*. The fine adjudged by the circuit court is not excessive.

We could well conclude here by ordering a denial of the writ and a dismissal of the petition, but will discuss briefly the merits of the order to produce so that the parties may know the views entertained by the court.

The petitioner argues that its belated offer to produce included everything except items number 2 and 8 as set out in its brief, and that it was not required to produce these. Items 2 and 8 are:

[fol. 28] "2. All lists, documents, books, and papers, addresses and dues paid of all present members in the

State of Alabama of the National Association for the
Advancement of Colored People, Incorporated.

"8. All lists, books, papers showing the names and addresses of all officers, agents, servants and employees in the State of Alabama of the National Association for the Advancement of Colored People, Inc."

Assuming that the petitioner did offer to bring in for inspection by the State everything except the documents listed in items 2 and 8, could the court require the petitioner to disclose this information? We think so. The court held the information to be competent and relevant; and the petition shows that the court had jurisdiction of the petitioner and of the subject matter.

This court in holding that an officer of the Ku Klux Klan, Inc. was in contempt of court for failing to turn over a list of members of said organization when ordered to do so by the court, said:

"The first duty of every citizen is allegiance to the constitution and laws of the state and nation and the lawful judgments and decrees of the courts. . . . Only privileged communications and facts made so by the law or lawful government regulations are protected from disclosure. The identity of the membership of said organization does not fall within such privileged class."—*Ex parte Morris*, 252 Ala. 551, 554; 42 So. 2d 17.

The Supreme Court of the United States recently upheld a contempt citation of a labor union official, for his failure to produce before a grand jury, union records "showing its collections of work-permit fees, including the amounts paid therefor and the *identity of the payors*. . . ." (Emph. sup.). The court said at page 705:

"The union and its officers acting in their official capacity lack the privilege at all times of insulating the union's books and records against reasonable de-[fol. 29] mands of governmental authorities."—*United States v. White*, 322 U.S. 694, 64 S. Ct. 1248, 88 L. Ed. 1542.

The courts, when their jurisdiction is duly invoked, have authority to exercise visitatorial powers and inquire as to the acts of such corporations as the petitioner and keep them within the bounds of their lawful authority.—*Essgee Co. of China v. United States*, 262 U.S. 151, 43 S. Ct. 514, 67 L. Ed. 917; *In re Verser-Clay Co.*, 10 Cir., 98 F. 2d 859, 120 A.L.R. 1098; *Wilson v. United States*, 221 U.S. 361, 31 S. Ct. 538, 55 L. Ed. 771, Ann. Cas. 1912 D, 558; *Ex parte Morris*, *supra*.

The guaranties found in the Federal and State Constitutions against compulsory self-incrimination do not extend to a private corporation so as to justify it in refusing, on the ground that it might be thereby incriminated, to comply with a lawful order directing it to produce corporate records in legal proceedings.—*United States v. White*, 322 U.S. 694, 64 S. Ct. 1248, 88 L. Ed. 1542; *Wilson v. United States*, *supra*; *Hale v. Henkel*, 201 U.S. 43, 26 S. Ct. 370, 50 L. Ed. 652; *United States v. Lawn*, S.D.N.Y., 115 F. Supp. 674.

It is clear, therefore, that the circuit court, in equity, had authority to order the petitioner to disclose names, addresses and dues paid by petitioner's members, officers, agents, and employees and that the petitioner could be held in contempt of court for non-compliance with the court's order to produce.

Writ denied and petition dismissed.

All the Justices concur.

[fol. 30] . IN THE SUPREME COURT OF ALABAMA

Ex Parte:

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, a Corporation,

Petition for Writ of Certiorari to
Montgomery Circuit Court, In Equity.

[IN RE: THE STATE OF ALABAMA ex rel. JOHN PATTERSON,
as Attorney General of the State of Alabama, vs. NA-
TIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
PEOPLE, a Corporation.]

ORDER DENYING WRIT OF CERTIORARI AND
DISMISSING PETITION—December 6, 1956

Comes the Petitioner, National Association For The
Advancement of Colored People, a Corporation, by Attor-
neys, and the Petition for a Writ of Certiorari to the Cir-
cuit Court of Montgomery County, In Equity, being sub-
mitted on briefs and duly examined and understood by the
Court,

It is Considered and Ordered, that a Writ of Certiorari
to Montgomery Circuit Court, In Equity, be and the same
is hereby denied, and that the Petition be and the same
is hereby dismissed at the cost of the Petitioner, National
Association For The Advancement of Colored People, a
Corporation, for which costs let execution issue accordingly.

[fol. 31] CLERK'S CERTIFICATE TO FOREGOING TRANSCRIPT
(omitted in printing).

[fol. 32] SUPREME COURT OF THE UNITED STATES

[Title omitted]

ORDER EXTENDING TIME TO FILE PETITION FOR
WRIT OF CERTIORARI

Upon Consideration of the application of counsel for petitioner(s),

It Is Ordered that the time for filing petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including March 20th, 1957.

Hugo L. Black, Associate Justice of the Supreme Court of the United States.

Dated this 4th day of March 1957.

[fol. 33] SUPREME COURT OF THE UNITED STATES

[Title omitted]

ORDER ALLOWING CERTIORARI—Filed May 27, 1957

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

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IN THE

Supreme Court of the United States

October Term, 1956

No.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, a Corporation,

Petitioner,

v.

STATE OF ALABAMA, *ex rel.* JOHN PATTERSON,
Attorney General.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ALABAMA

Petitioner prays that a writ of certiorari issue to review the judgment of the Supreme Court of Alabama entered on December 6, 1956, in the above-entitled cause.

Opinion Below

The opinion of the Supreme Court of Alabama is reported at 91 So. 2d (Adv. p. 214) and is printed as Appendix A, *infra*, page 1a. The *ex parte* temporary restraining order issued by the Circuit Court of Montgomery County is printed in Appendix B, *infra*, page 10a. The interlocutory order ordering petitioner to give the Attorney General the names and addresses of all of its members in Alabama and other documents is printed in Appendix B, *infra*, page 11a. The opinion of the Circuit Court, entered on July 25, 1956, adjudging petitioner in contempt and affixing a fine of \$10,000 as punishment therefor, and a supplementary fine of \$100,000 if the contempt were not purged within 5 days, is printed in Appendix B, *infra*.